

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RAYTHEON COMPANY,

Plaintiff,

v.

CRAY, INC.,

Defendant.

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Case No. 2:16-CV-00423-JRG-RSP

ORDER

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 13, 2017 (Dkt. No. 71) recommending that Defendant Cray Inc.'s Motion to Dismiss under Fed. R. Civ. P. 12(b)(3) and 12(b)(6) (Dkt. No. 23) be denied. Having considered the objections filed by Defendant Cray Inc. (Dkt. No. 72) and finding them to be without sufficient merit, and after a de novo review, the Report and Recommendation is ADOPTED.

IT IS ORDERED AND ADJUDGED that Defendant Cray Inc.'s Motion to Dismiss (Dkt. No. 23) is hereby DENIED.

So ORDERED and SIGNED this 12th day of April, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE